IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2551 of 1997

Between:

Dandu Suryanarayana Raju, s/o. Venkatarama Raju,
R/o. Devavaram Village, Nakkapalli Mandal,
Visakhapatnam District.

..... PETITIONER

AND

1 The District Collector,
Visakhapatnam District.
2 The Revenue Divisional Officer & land Acquisition Officer,
Narsipatnam, Visakhapatnam District.
3 The Mandal Revenue officer,
Nakkapalli Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or direction more particularly one in the nature of the Writ of Certiorari after calling for the records relating to and connected with the Notification of the Ist respondent published in the Vsakhapatnam District Gazette issue No.33 dt. 19-3-1996 and quash or set aside the same by declaring it as illegal, arbitrary, malafide and violative or Article 14 and 21 of the Constitution of India and against to the provisions of the land ceiling Act .

Counsel for the Petitioner:MR.V.AJAYAKUMAR

Counsel for the Respondent No. : GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

The writ petition is filed for an appropriate order or direction calling for the records relating to and connected with the notification of the first respondent published in the Visakhapatnam District Gazette issue No.33 dated 19-3-1996 and quash the same declaring it as illegal , arbitrary,malafide and violative of Articles 14 and 21 of the Constitution of India .

It is stated that the petitioner is the absolute owner of dry land admeasuring Ac.2-83 cents in Survey No.172/3 and his entire family including his brothers are depending on the meagre income. The writ petitioner had questioned the notification on different grounds stating that there is no urgency but however, the urgency clause has been invoked and further stated that there are suitable lands for the purpose of house sites. Apart from aforesaid grounds, several other grounds had been raised in the affidavit filed in support of the writ petition. A specific stand was taken that though the notification was published in District Gazette on 19-3-1996 as specified under Section 17 of Land Acquisition Act, possession had not been taken.

Counter affidavit in detail had been filed and no doubt other allegations were

denied, but as far as this aspect is concerned, there is no denial.

In view of the facts and circumstances, invocation of urgency clause cannot be sustained and hence, the petitioner to be given an opportunity to file appropriate objections and the respondents to conduct an enquiry under Section 5 A of Land Acquisition Act in accordance with law taking into consideration of the said objections to be preferred by the Writ Petitioner. Thus liberty is given to the writ petitioner to file appropriate objections and the respondents to conduct enquiry under Section 5A of Land Acquisition Act in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

20-12-2004

Stp

To

1 The District Collector,
Visakhapatnam District.
2 The Revenue Divisional Officer & land Acquisition Officer,
Narsipatnam, Visakhapatnam District.
3 The mandal Revenue officer,
Nakkapalli Mandal, Visakhapatnam District.

4.2CCs to G.P. for Social Welfare, High Court of A.P.Hyd.(OUT)

5.2CD copies